

## Appendix F. U.S. Fish and Wildlife Service Endangered Species Consultation Letter of Concurrence

The following changes between the Draft and Final Environmental Impact Statement were made in Appendix F.

- The USFWS Endangered Species Consultation Letter of Concurrence was not available prior to the publication of the Draft EIS. This has now been received and inserted into this appendix..

### United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

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Reply to: 8330.2764 (02)

File name: BLM-CoosCo. Pipeline February 12, 2002

TS#: 02-635

Memorandum

To: Sue E. Richardson, District Manager, Coos Bay District, Bureau of Land Management

From: Craig A. Tuss, Field Supervisor, Roseburg Field Office, U.S. Fish and Wildlife Service

Subject: Request for Section 7 Consultation and written concurrence on effects determinations for the Coos Country Natural Gas Pipeline in Coos and Douglas Counties, Oregon (#1-15-02-I-276).

This responds to your January 18, 2002 request for written concurrence with your determination of effects for the subject project. Consultation was initiated on January 18, 2002 when the U.S. Fish and Wildlife Service (Service) received your written request. This consultation is being conducted pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 153 et seq.), as amended. This consultation is based on information provided to the Service in

conversations between our staffs, in your written correspondence, the Environmental Impact Statement (EIS) and the Biological Assessment prepared by your consultant, Brian Cox, of BIS, P.O. Box 27, Camas Valley, OR, which was received with your consultation request letter. At issue in this consultation are the impacts of the subject project on the northern spotted owl (*Strix occidentalis caurina*) (spotted owl) and marbled murrelet (*Brachyramphus marmoratus*) (marbled murrelet).

You requested written concurrence with your determination that the proposed project "may affect, but is not likely to adversely affect" spotted owls or marbled murrelets, "and there is "no affect" on their critical habitats". You also determined that the project would have no affect on the bald eagle (*Haliaeetus leucocephalus*). The EIS stated that field surveys found no listed, proposed, or candidate plant species within the proposed action area. Therefore, the extent of the impacts are limited to possible disturbance to spotted owls and marbled murrelets from human activity and noise produced by the associated construction equipment during the construction of the pipeline.

Because the proposed action is not anticipated to affect these species or their habitats, the following will not be addressed further in this consultation: spotted owl critical habitat, marbled murrelet critical habitat, and bald eagle (*Haliaeetus leucocephalus*). Any potential impacts to listed anadromous fish species should be addressed in a separate consultation with the National Marine Fisheries Service.

According to information provided to the Service, the proposed 59.1 mile long 12 inch steel pipeline will be buried underground and the only above ground components will be plastic line markers, test stations and various valve features. The requested permanent right-of-way width is 40 feet (20 feet either side of the pipeline). The easement on Bureau of Land Management (BLM) lands would total approximately 13 acres. Additional construction width would range from 10 to 40 feet, depending on slope and soil conditions. This additional area for construction would involve a possible 7 acres which would be restored and returned to BLM control after pipeline construction and site restoration. All wetland areas and stream crossing impacts will be avoided by directional drilling.

The proposed route is within existing right-of-ways of the Bonneville Power Administration and the CBW Road, and would bisect two spotted owl Critical habitat Units and one murrelet critical habitat unit. Because the proposed route is within existing right-of-ways of the Bonneville Power Administration and the CBW Road, the construction activities will not remove or degrade suitable habitat.

In general, construction activities in the project area with the potential to disturb spotted owls and marbled murrelets would not occur during their critical breeding season of March 1st to June 30th (owls) and April 1st to August 5th (murrelets). These restrictions would be imposed within their species-specific disturbance areas of 0.25 mile (See attached project design criteria). Blasting would not be done within one mile of occupied spotted owl nest sites from March 1st to September 30th, suitable habitat March 1st to June 30th, or marbled murrelet occupied or unsurveyed suitable habitat from April 1st to September 15th. No new roads will be constructed and no helicopter activities will occur.

The construction of the pipeline may affect spotted owls and marbled murrelets, because of short-duration (<10 days) moderate noise above normal ambient levels. Project design criteria have been designed to minimize potential disturbance effects detrimental to any listed species by providing daily and seasonal timing restrictions within established buffer zones that should eliminate all adverse affects (See attached). Therefore, the Service concurs with your determination that the project, "may affect, but is not likely to adversely affect" the spotted owl or marbled murrelet.

This concludes informal consultation on the proposed Coos County Natural Gas Pipeline Project. If any changes to the proposed project occur or new information becomes available, reinitiation of consultation may be required. If you have any questions, please contact David Peterson at 541/957-3471 or myself.

Attachment (1)

cc: (with attachment) Lee Folliard, OFWO, Portland, OR

Office Files, OFWO, Portland, OR

Ken Phippen, NMFS, Roseburg, OR

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## BIOLOGICAL ASSESSMENT

### FOR THE COOS COUNTY PIPELINE

### **III. PROJECT DESIGN CRITERIA**

Project Design Criteria (PDCs) are mitigation measures applied to project activities to minimize potential detrimental effects to proposed or listed species. Some PDCs apply to all species, but most apply to specific species. Habitat removal and/or degradation and disturbance are considered for this proposed project. In general, project areas with the potential to disturb spotted owls, marbled murrelets and bald eagles would not occur during their critical breeding season if their actions would occur within their species-specific disturbance-buffer.

"Habitat or Individuals" PDCs apply in situations where currently suitable habitat will be affected or where individual animals could be directly or indirectly affected (e.g. actually harms or kills).

"Disturbance" PDCs apply to projects that do not affect currently suitable habitat, but where animals near suitable habitat could be disturbed.

#### **1. Bald Eagle**

##### Habitat or Individuals

(I) No suitable habitat trees will be cut.

##### Disturbance

(I) Work activities that cause disturbance would not take place within 1312 feet (400m) of active nests and roosts, or within 2625 feet (800m) line-of-sight from nests and roosts during periods of eagle use unless field surveys demonstrate that the nest or roosts are not being used during the normal season of use. For nests, the period of eagle use is January 1st to August 31st (or two weeks postfledging). For roosts, the period of eagle use is November 15th to March 15th.

(II) No helicopter activities will occur.

#### **2. Northern Spotted Owl**

##### Habitat and Individuals

(I) No suitable habitat will be removed.

##### Disturbance

(I) Work activities such as trenching, road reconstruction and repaving, etc. will not take place within 1/4 mile of any nest site or activity center of known pairs and resident singles between March 1st and June 30th.

(II) The boundary of the 1/4 mile "disturbance-free" area may be modified on a site-specific basis due to topographic breaks or other localized factors.

(III) This PDC may be waived in a particular year if nesting or reproductive success surveys conducted according to the Service-endorsed survey guidelines reveal that spotted owls are non-nesting or that no young-of-the-year are

present. Waivers are only valid until March 1<sup>st</sup> of the following year. Previously known sites and activity centers are assumed occupied unless surveys indicate otherwise.

(IV) No helicopter activities will occur.

(V) Blasting would not occur within one (1) mile of suitable habitat March 1<sup>st</sup>, to June 30<sup>th</sup>.

(VI) Blasting would not occur within one (1) mile of known nest sites March 1<sup>st</sup> to September 30<sup>th</sup> unless the Service's protocol surveys indicate: 1) owls are not present; 2) owls present are not nesting, or 3) the young-of-the year have dispersed.

### **3. Marbled Murrelet**

#### **Habitat or Individuals**

(I) No suitable habitat will be removed.

#### **Disturbance**

(I) Daily timing of the project's "Moderately above ambient noise levels for <1 week" and related activities occurring within 1/4 mile of unsurveyed suitable habitat, shall be no earlier than 2 hours after sunrise and no later than 2 hours before sunset from April 1<sup>st</sup> to August 5<sup>th</sup>.

(II) Daily timing of the project's "Moderately above ambient noise levels for <1 week" and related activities occurring within 1/4 mile of occupied habitat, shall be seasonally restricted from April 1<sup>st</sup> to August 5<sup>th</sup>.

(III) Daily timing of the project's "Moderately above ambient noise levels for <1 week" and related activities occurring within 1/4 mile of occupied habitat, shall be no earlier than 2 hours after sunrise and no later than 2 hours before sunset from August 6<sup>h</sup> to September 15<sup>th</sup>.

(IV) No blasting will occur within one mile of occupied habitat or within one mile of unsurveyed suitable habitat April 1<sup>st</sup> to September 15<sup>th</sup>.

(V) No helicopter activities will occur.